



ATTORNEY DOCKET NO. HAR62 336

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of G. Alton Waschka, et al.

Serial No.: 09/527,194

Art Unit: 2631

Filed: March 17, 2000

Examiner: Phuong M. Phu

Title: CHIRP SLOPE MULTIPLE ACCESS

**RESPONSE**

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SEP 02 2004

Technology Center 2600

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

In response to the Office Action dated May 28, 2004, the Applicant submits the following response.

**Remarks**

The Office Action has allowed Claims 1-5, and 8-19. The Office Action has rejected Claim 20 as being obvious over Otto.

The Applicant states that no prima facie case of obviousness has been made.

I. There is no disclosure, teaching or suggestion, in Otto, for transmitters with different chirp slopes.

II. There is no disclosure, teaching or suggestion for discriminating between transmitters in Otto.

III. There is not disclosure, teaching or suggestion in Otto for discriminating between transmitters by slope.

IV. There is no motivation, absent impermissible hindsight, for assigning each transmitter a different chirp slope, discrimination between transmitters, and basing the discrimination by chirp slope.

The Office Action has acknowledges that Otto does not disclose mobile transmitters transmit chirps with different slopes and Otto does not discriminate between different

transmitters. The Applicant, in view of these admissions, further states that Otto can provide no teaching for discrimination between different chirps slopes, as would be expected.

Claim 20 recites *inter alia* "detecting the slope of the received chirp signal". Otto does not teach or suggest such a step. Furthermore, even finding another teaching for detecting the slope of a chirp signal, there is no operational benefit or motivation that is resident in Otto.

Otto discloses the chirp signal is modulated by a reference chirp signal, where the reference chirp signal should match the received chirp signal in slope (Col. 7, lines 5-14). Otto also does not teach a mechanism for applying multiple reference signals to an incoming signal, does not teach a method in which the continuous wave signal (CW) generated by modulation with the matching or non-matching slope reference signals would be processed. And Otto does not teach, suggest or provide any motivation for having transmitters with different slopes.

The Office Action suggests that modifying Otto would allow identification of the chirp signal without the need for encoded information. However, as shown above there is no mechanism disclosed, taught or suggested that would lead to the Office Actions claimed benefit to be manifested.

### Conclusion

The Applicant request withdrawal of the rejection and allowance of the application including Claim 20. If the examiner maintains the rejections in view of the above remarks, the examiner is requested to contact the undersigned attorney.

Respectfully submitted,



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Dated: August 27, 2004